IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO. 6471 OF 2006.

Shri Narayan V. Mathkar & ors. ... Petitioners.
V/s.
Jan Kalyan Sahakari Bank Ltd. & Ors.... Respondents.

Mrs. Nivedita S. Pawar for the petitioners.

Shri Sandip Bhagwat i/b M/s V. Deshpande for respondent No.1.

Shri A.B. Palekar, AGP for respondent No.3.

CORAM : R.M.S. KHANDEPARKAR,J.

DATED : 17.10.2006.

P.C. :

. Heard.

2. Petitioners challenge the order dated 10th August 2006 passed by the revisional authority whereby the revisional authority has rejected revision application on the ground of default on the part of the petitioners to deposit 50% of the recoverable dues which were required to be deposited by the petitioners in terms of provisions of law comprised in section 154(2)(A) of the Maharashtra Co-operative Societies Act, 1960 ('the said Act' for short).

3. Undisputedly, the contention of the petitioners before the revisional authority as well as before this Court is that the petitioners had

instructed the Bank to deduct monthly instalments from the petitioners saving account with the said Bank and it was failure on the part of the Bank to deduct the said amount regularly every month that the amount remained as due and payable by the petitioners, even though factually petitioners do not owe any amount to the petitioners so as to issue certificate under 101 of the said Act. Inspite of repeated queries, learned Counsel appearing for the petitioners is unable to show any agreement between the petitioners and the Bank to the effect that the petitioners had ever instructed the Bank to deduct the instalment amount from the saving account of the petitioners. Undisputedly, in terms of the agreement between petitioner and the bank, the petitioners were required to repay loan amount by way of monthly instalment, but petitioners did not bother to comply with the said obligation. Being so, no fault can be found with the impugned order passed by the revisional authority, whereby on account of failure of the petitioners to comply with mandatory provisions of Section 154(2)(a) of the said Act, revision application came to be rejected. Neither there is any jurisdictional error nor case is made out on merits so as to interfere with the impugned order, in writ jurisdiction under Article 227 of the Constitution of India. Hence petition is rejected.

(R.M.S.KHANDEPARKAR,J.)